

SERIAL NO. 09/620,469

DOCKET NO. 1293.1132

REMARKSINTRODUCTION:

In accordance with the foregoing, claims 5, 8, and 13 have been canceled without prejudice or disclaimer, and claims 1, 18, and 21 have been amended. No new matter is being presented, and approval and entry are respectfully requested.

Claims 1-3, 6, 9-11, and 14-21 are pending and under consideration. Reconsideration is requested.

ENTRY OF AMENDMENT UNDER 37 C.F.R. §1.116:

Applicants request entry of this Rule 116 Response because:

(1) it is believed that the amendment of claims 1, 18, and 21 to incorporate the features of objected-to claim 8 puts this application into condition for allowance as suggested by the Examiner;

(2) the amendments of claims 1, 18, and 21 should not entail any further search by the Examiner since no new features are being added or no new issues are being raised; and

(3) the amendments do not significantly alter the scope of the claims and place the application at least into a better form for purposes of appeal. No new features or new issues are being raised.

The Manual of Patent Examining Procedures sets forth in Section 714.12 that "any amendment that would place the case either in condition for allowance or in better form for appeal may be entered." Moreover, Section 714.13 sets forth that "the Proposed Amendment should be given sufficient consideration to determine whether the claims are in condition for allowance and/or whether the issues on appeal are simplified." The Manual of Patent Examining Procedures further articulates that the reason for any non-entry should be explained expressly in the Advisory Action.

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REJECTION UNDER 35 U.S.C. §102:**1. Rejection in view of Miyauchi et al.**

In the Office Action at pages 2-3, the Examiner again rejects claims 1, 2, 9-11, and 14-21 under 35 U.S.C. §102(b) in view of Miyauchi et al. (Japanese Patent Publication No. 09-007224). This rejection is respectfully traversed and reconsideration is requested.

While applicants do not necessarily agree with the Examiner's construction, as acknowledged by the Examiner on page 4 of the Office Action, it is respectfully submitted that Miyauchi et al. does not disclose or suggest the invention as recited in claims 1, 18, and 21 as presented above.

Claims 2, 9-11, 14-17, 19, and 20 are deemed patentable due at least to their depending from corresponding claims 1 and 18.

2. Rejection in view of Ichihara

In the Office Action at pages 3-4, the Examiner rejects claims 1-3, 6, 9-11, and 14-21 under 35 U.S.C. §102(e) in view of Ichihara (U.S. Patent No. 6,181,650). This rejection is respectfully traversed and reconsideration is requested.

While applicants do not necessarily agree with the Examiner's construction, as acknowledged by the Examiner on page 4 of the Office Action, it is respectfully submitted that Ichihara does not disclose or suggest the invention as recited in claims 1, 18, and 21 as presented above.

Claims 2, 3, 6, 9-11, 14-17, 19, and 20 are deemed patentable due at least to their depending from corresponding claims 1 and 18.

REJECTION UNDER 35 U.S.C. §103:

In the Office Action at pages 4-5, the Examiner rejects claims 1-3, 5, 6, 9-11, and 13-21 under 35 U.S.C. §103 in view of Miyauchi et al. or Ichihara in view of Yamada et al. (U.S. Patent No. 5,255,260) and Kikukawa et al. (U.S. Patent No. 6,329,036). This rejection is respectfully

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traversed and reconsideration is requested.

As a point of clarification, claims 5 and 13 have been cancelled without prejudice or disclaimer. Therefore, the rejection of claims 5 and 13 is deemed moot.

While applicants do not necessarily agree with the Examiner's construction, as acknowledged by the Examiner on page 4 of the Office Action, it is respectfully submitted that the combination does not disclose or suggest the invention as recited in claims 1, 18, and 21. As such, it is respectfully submitted that the combinations of Miyauchi et al. or Ichihara in view of Yamada et al. and Kikukawa et al. does not disclose or suggest the inventions recited in claims 1, 18, and 21 as presented above.

Claims 2, 3, 6, 9-11, 14-17, 19, and 20 are deemed patentable due at least to their depending from corresponding claims 1 and 18.

STATUS OF CLAIM NOT REJECTED:

On page 5 of the Office Action, the Examiner objects to claim 8 as depending from a rejected base claim. Claim 8 has been cancelled without prejudice or disclaimer, and has been included in claim 1.

CONCLUSION:

In accordance with the foregoing, it is respectfully submitted that all outstanding objections and rejections have been overcome and/or rendered moot. And further, that all pending claims patentably distinguish over the prior art. Thus, there being no further outstanding objections or rejections, the application is submitted as being in condition for allowance which action is earnestly solicited.

If the Examiner has any remaining issues to be addressed, it is believed that prosecution can be expedited and possibly concluded by the Examiner contacting the undersigned attorney for a telephone interview to discuss any such remaining issues.

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If there are any additional fees associated with the filing of this Response, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

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CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this correspondence is being transmitted via facsimile to: Commissioner for Patents,
P.O. Box 1450, Alexandria, VA 22313-1450

on 2 April, 2004

By: Lawrence E. Pender

Date: 2 April 04

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